

Trafficking in Persons Report

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GERMANY (TIER 1)

Germany is a transit and destination country for women trafficked from the former Soviet Union and Central Europe (especially Belarus, Ukraine, Lithuania, Poland, and Russia) for the purpose of sexual exploitation. African and Asian victims, mostly from Nigeria or Thailand, comprise a small number of victims. Statistics from 2002 indicate a substantial increase in the number of Bulgarian victims.

The Government of Germany fully complies with the minimum standards for the elimination of trafficking. In the area of prevention, the German Government established a new program during 2003 to fund development projects overseas to combat trafficking in women. German authorities made many trafficking convictions, although the government should consider changes in criminal law, within European Union (EU) guidelines, which would lead to harsher sentences for convicted traffickers.

Prosecution

The German criminal code contains provisions specifically prohibiting trafficking in persons for sexual exploitation. Forced labor trafficking is pursued under crimes against personal freedom. The penalty for trafficking for the purposes of sexual exploitation is commensurate with penalties for other serious crimes, including sexual coercion/rape, kidnapping, false imprisonment, and crimes against personal freedom. German authorities actively investigate cases of trafficking and employ a full range of investigative techniques including wiretaps, electronic surveillance, undercover operations, and mitigated punishment for cooperating suspects. The Federal Office for Criminal Investigation has a special trafficking-in-persons team that promotes international law enforcement cooperation, offers a two-week seminar on trafficking for police and border patrol officers, and publishes an annual trafficking in persons report. The latest available law enforcement statistics, from 2002, indicate 289 pre-trial investigations of trafficking for sexual exploitation and 159 convictions (up from 148 convictions in 2001). Although the government reported that 151 defendants received a prison sentence from one month to 10 years, 87 received suspended sentences. German courts routinely suspend sentences of up to two years for most crimes, particularly for first-time offenders and where no aggravating circumstances are present, but offenders are subject to strict parole conditions. There was no official evidence of government involvement in or tolerance of trafficking in persons, although a recent trial of Ukrainian alien smugglers raised serious questions about the German Government's tourist visa issuance policy in Eastern Europe from 2000 to 2003.

Protection

Germany has a wide range of protections for victims including a four-week "reflection" period. If victims testify against their traffickers, deportation is temporarily suspended and victims are granted "temporary toleration." With this status, victims can obtain temporary work permits for the duration of the trial, and victims with injuries due to crimes of violence can receive compensation under the Victims' Compensation Act. Police refer trafficked victims to 25 mainly state-funded counseling centers and 12 NGOs. They provided trafficking victims with assistance, counseling, and protection. Due to a lack of funds, four women's counseling centers in Hesse were closed in 2003. The most recent statistics, from 2002, indicate that 104 women were granted "temporary toleration" and 35 remained in the witness protection program. Once the victims are no longer required as witnesses, they must be repatriated unless there is a suspicion of imminent danger to the victim under the Aliens Act. The government continued to fund basic victim repatriation costs through the IOM.

Prevention

Germany's Federal Government continued to focus on reaching potentially trafficked victims before they enter the country. In 2003, the Federal Ministry for Economic Development began funding trafficking projects. The projects were developed and executed by a government-owned corporation, and included information campaigns with brochures and posters in several Eastern European countries. Awareness training seminars were conducted with police officials from source countries. Other education campaigns included conferences on the problem of sex tourism and publications on sex tourism by government-funded think tanks. Additionally, Germany and the Czech Republic, which is a major destination country for German sex tourists, have joined forces in a counter-trafficking working group consisting of high-ranking officials. Germany participates in and provided funding to the Task Force on Trafficking in Human Beings under the Stability Pact for South Eastern Europe, and to the trafficking unit of the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights.